

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

PRISCILLA L. MILAM,

Plaintiff,

V.

KILOLO KAJAKAZI, ACTING  
COMMISSIONER, SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

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Case No. 6:23-cv-40-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

On December 22, 2023, Plaintiff Priscilla Milam filed an unopposed application for attorney fees under the Equal Access to Justice Act (“EAJA”). Docket No. 20. The Court referred the application to Judge Love for findings of fact and recommendation for disposition. Docket No. 18. On January 3, 2024, Judge Love issued a Report and Recommendation recommending that Plaintiff’s motion be granted. Docket No. 21. And on January 30, 2024, Judge Love issued an Amended Report and Recommendation to include the updated annual CPI for the Dallas-Fort Worth-Arlington area. Docket No. 22. No objections have been filed and the time period for filing objections has passed.


This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court

examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, no party objected in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 22) as the findings of this Court. Plaintiff's motion (Docket No. 20) is **GRANTED**, and the Commissioner is **ORDERED** to pay to Plaintiff the sum of \$7,691.63 in fees pursuant to EAJA, 28 U.S.C. § 2412(d), and \$402.00 in costs. Payment shall be payable to Plaintiff and sent to Plaintiff's counsel.

So **ORDERED** and **SIGNED** this **20th** day of **February, 2024**.

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE